

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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KOHL'S DEPARTMENT STORES

*In its capacity as plan administrator of the Kohl's  
Group Health Plan,*

Plaintiff,

-against-

**ORDER**

CV 12-2990 (ADS)(ARL)

FRED CASTELLI and LITE & RUSSELL,

Defendants.

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**LINDSAY, Magistrate Judge:**

Before the court is the defendants' request to preclude the plaintiff from offering any evidence and testimony at trial or with regard to any motions concerning any discovery that has not been provided to date. Specifically, the defendants contend that the plaintiff has not produced four witnesses for depositions or responded to several interrogatory and documents requests. The plaintiff acknowledges that discovery remains outstanding and has requested a two-week extension of the November 28 discovery deadline in order to complete discovery. The court finds this request to be reasonable. Accordingly, the defendants' motion to preclude is denied at this time. All discovery, inclusive of expert discovery is to be completed by December 12, 2014. The parties are directed to immediately meet and confer by telephone or in person to discuss any remaining discovery and to schedule the depositions. Any party planning on making a dispositive motion shall take the first step in the motion process by January 9, 2015. The final conference scheduled for January 8, 2015 is adjourned to January 23, 2015 at 11:30 a.m. The parties are directed to file a proposed joint pretrial order prior to the conference.

Dated: Central Islip, New York  
December 5, 2014

**SO ORDERED:**

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/s/  
ARLENE R. LINDSAY  
United States Magistrate Judge